

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

PATRICIA KENNEDY,

Plaintiff,

v.

WESTERN MOTEL, INC.; and R.V. CORP.,

Defendants.

CIVIL ACTION NO.: 2:19-cv-92

ORDER

This matter is before the Court on Plaintiff's Motion to Compel Discovery. Doc. 17. For the reasons set forth below, the Court **DENIES** Plaintiff's Motion.

Plaintiff maintains she served upon Defendants interrogatories and requests for the production of documents on April 15, 2020. Id. at 2. Under Federal Rules of Civil Procedure 33(b)(2) and 34(b)(2)(A), Defendants have 30 days from the date of service to answer or object to the sought discovery materials. Plaintiff contends Defendants served no response by the May 15, 2020 deadline. Doc. 17 at 2. In an effort to resolve this dispute, Plaintiff states she contacted Defendants but received no response. Id. at 3. Plaintiff now asks the Court to compel the production of these discovery materials. Id. at 1.

On August 6, 2019, the Court issued a Rule 26 Order providing instructions to the parties regarding their initial discovery obligations. Doc. 4. This Order makes clear that, prior to filing a motion regarding a discovery dispute with the Court, the parties are required to: (1) undertake a sincere, good faith effort to resolve the dispute without Court action or intervention; and (2) in the event their good faith efforts are unsuccessful, the parties must

schedule a telephonic conference with the Court in an effort to resolve the discovery dispute. Id. at 5. The Order states the Court will refuse to hear any discovery motion unless there has been “strict compliance” with the above-identified steps. Id.

Here, Plaintiff failed to comply with the Order of the Court prior to filing her Motion. Although Plaintiff states she attempted to resolve the discovery dispute by conferring with Defendants, the Court is unaware of any attempt to schedule a telephonic conference with the Court, as required by the Rule 26 Order. Thus, the Court **DENIES** Plaintiff’s Motion to Compel Discovery for failure to comply with an Order of the Court.

SO ORDERED, this 1st day of June, 2020.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is positioned above a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA